

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 09/30/2022

-----X
KEAWSRI et al,

Plaintiffs,

-v-

RAMEN-YA INC. et al,

Defendants.
-----X

17-cv-02406 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On August 31, 2022, Plaintiffs filed a motion requesting an order: (i) finding Defendants Ramen-Ya Inc. (“RYI”), Miho Maki (“Maki”), Masahiko Negita (“Negita”), and Yasuko Negita (“Mrs. Negita”) (collectively “RYI Defendants”) in contempt of court; (ii) finding Defendants Y&S International Corporation (“Y&S”) and Kenji Kora (“Kora”) (collectively “Y&S Defendants” and, with the RYI Defendants, “Defendants”) in contempt of court; (iii) compelling the RYI Defendants to serve or amend their CPLR 6219 statements and to produce all documents and information sought by Plaintiffs and ordered by the Court in its August 25, 2022 order, Dkt. No. 523; (iv) compelling the Y&S Defendants to produce all documents and information requested by Plaintiffs at the deposition of Kora on August 21, 2022 and to serve the Y&S Defendants’ CPLR 6219 statements as ordered by the Court in its August 10, 2022 order, Dkt. No. 515; and (v) imposing sanctions against each of the Defendants and their respective counsel for their contempt of court as well as any other relief deemed just and proper. Dkt. No. 530.

As discussed at the conference held in this matter on September 27, 2022, Plaintiffs’ motion is GRANTED IN PART AND DENIED IN PART. Plaintiffs have established by clear and convincing evidence that each of the Defendants have violated the Court’s rulings through

Defendants' refusal to produce documents and information sought by Plaintiffs. *See Markus v. Rozhkov*, 615 B.R. 679, 710 (S.D.N.Y. 2020). The Court therefore imposes a sanction of \$5,000 on each of the RYI Defendants to be deposited into the Registry of the Court by October 7, 2022. If the RYI Defendants fail to be in compliance with the Court's August 25 order by October 7, 2022 by failing to produce the documents requested in Plaintiffs' subpoenas, each of the RYI Defendants must pay a sanction of \$1,000 per day for each day that they remain in noncompliance. The Court also imposes a sanction of \$1,000 on each of the Y&S Defendants to be deposited into the Registry of the Court by October 7, 2022. If the Y&S Defendants fail to be in compliance with the Court's August 10 order by October 7, 2022 by failing to produce the documents requested in Plaintiffs' subpoenas, each of the Y&S Defendants must pay a sanction of \$1,000 per day for each day that they remain in noncompliance.

The motion is denied, however, with respect to Plaintiffs' request to compel the production of the CPLR 6219 statements or the amended CPLR 6219 statements and to hold the Y&S Defendants in contempt for their failure to do so.

The Clerk of Court is directed to close Dkt. No. 530.

SO ORDERED.

Dated: September 30, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge